

RESOLUTION NO. 11-206

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING PAVING BRUSH CREEK CIRCLE AND BRUSH CREEK COURT SERVING LOTS 147 THROUGH 173, BLOCK 1, FROM THE NORTH LINE OF WESTLAKES PARKWAY TO AND INCLUDING THE CUL-DE-SAC; AND PAVING WESTLAKES COURT SERVING LOTS 174 THROUGH 190, BLOCK 1, FROM THE NORTH LINE OF WESTLAKES PARKWAY TO AND INCLUDING THE CUL-DE-SAC; (NORTH OF 29TH ST. NORTH, WEST OF TYLER) 472-83791, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF PAVING BRUSH CREEK CIRCLE AND BRUSH CREEK COURT SERVING LOTS 147 THROUGH 173, BLOCK 1, FROM THE NORTH LINE OF WESTLAKES PARKWAY TO AND INCLUDING THE CUL-DE-SAC; AND PAVING WESTLAKES COURT SERVING LOTS 174 THROUGH 190, BLOCK 1, FROM THE NORTH LINE OF WESTLAKES PARKWAY TO AND INCLUDING THE CUL-DE-SAC; (NORTH OF 29TH ST. NORTH, WEST OF TYLER) 472-83791, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 03-306 adopted on June 10, 2003 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to pave Brush Creek Circle and Brush Creek Court serving Lots 147 through 173, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; and paving Westlakes Court serving Lots 174 through 190, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; (north of 29th St. North, west of Tyler) 472-83791.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Five Hundred Thirty Thousand Dollars (\$530,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2003, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FOX RIDGE ADDITION
Lots 147 through 190, Block 1;

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 147 through 190, Block 1; all within FOX RIDGE ADDITION shall each pay 1/44 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 23rd day of August, 2001.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW